

Assembly Bill No. 7

Passed the Assembly July 24, 2009

Chief Clerk of the Assembly

Passed the Senate July 23, 2009

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2009, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Part 1.75 (commencing with Section 10200) to Division 9 of the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 7, Evans. Public social services: statewide enrollment process.

Existing federal law provides for allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states, with California's version of this program being known as the California Work Opportunity and Responsibility to Kids (CalWORKs) program.

Under the CalWORKs program each county provides cash assistance and other benefits to qualified low-income families and individuals who meet specified eligibility criteria.

Existing law establishes the Medi-Cal program, administered by the State Department of Health Care Services, under which qualified low-income persons are provided with health care services.

Existing law provides for the Supplemental Nutrition Assistance Program (SNAP; formerly the Food Stamp Program), a federal program administered at the state level by the State Department of Social Services, under which each county provides nutrition assistance benefits to eligible households.

This bill, notwithstanding any other law, would authorize the State Department of Health Care Services and the State Department of Social Services to implement a centralized statewide eligibility and enrollment process for the CalWORKs program, the Medi-Cal program, and SNAP. The bill would declare the intent of the Legislature that the development of the process achieve specified outcomes.

This bill would designate the powers and duties of the departments with respect to the development of the centralized eligibility and enrollment process, including the development of a comprehensive plan, which the bill would require the departments to submit to the fiscal and applicable policy committees of the

Legislature, at least 45 days prior to a request for an appropriation. The bill would authorize the departments to implement the plan, subsequent to receiving statutory authorization and an appropriation, as specified.

This bill would require the departments to convene a stakeholder steering committee for consultation in the development of the statewide eligibility and enrollment determination process and comprehensive plan. Implementation of the bill would be contingent upon the availability of federal financial participation for its purposes.

This bill would provide that it would not change, or in any manner modify, eligibility for the CalWORKS program, the Medi-Cal program, or SNAP.

This bill would provide for the implementation of its provisions through all-county letters or similar instructions, but would also provide the departments emergency regulation authority, as specified.

The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. The Governor issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on July 1, 2009.

This bill would state that it addresses the fiscal emergency declared by the Governor by proclamation issued on July 1, 2009, pursuant to the California Constitution.

The people of the State of California do enact as follows:

SECTION 1. Part 1.75 (commencing with Section 10200) is added to Division 9 of the Welfare and Institutions Code, to read:

**PART 1.75. STATEWIDE ELIGIBILITY AND ENROLLMENT
PROCESSING**

10200. (a) (1) The State Department of Health Care Services and the State Department of Social Services shall develop a statewide eligibility and enrollment determination process for the California Work Opportunity and Responsibility to Kids (CalWORKs) program, the Medi-Cal program, and the Supplemental Nutrition Assistance Program (SNAP), in accordance

with this part. It is the intent of the Legislature that the development of this process shall achieve all of the following outcomes:

- (A) Facilitate better access to services and aid for eligible clients.
- (B) Lower the costs of enrolling persons into CalWORKs, Medi-Cal, and SNAP without reducing access.
- (C) Improve consistency of eligibility determination and enrollment approach and processes statewide.
- (D) Create an efficient process that eliminates redundancies and inefficiencies.
- (E) Employ state-of-the-art technology to improve efficiency of the eligibility determination process.
- (F) Minimize the number of technology systems that the state shall support in performing the eligibility process.

(2) The development of the statewide eligibility and enrollment determination process and the comprehensive plan required in subdivision (b) shall be accomplished in consultation with a stakeholder steering committee established pursuant to subdivision (h).

(b) The State Department of Health Care Services and the State Department of Social Services shall develop a comprehensive plan, which shall include, at a minimum, all of the following components:

- (1) Project description.
- (2) Business case.
- (3) Business and technical requirements.
- (4) Cost benefit analysis, including all aspects as traditionally provided in a feasibility study report for information technology projects, including, but not limited to, the following components:
 - (A) An analysis of the benefits and drawbacks of procuring a new statewide eligibility and enrollment determination process and contracting out eligibility functions as compared to building upon existing enrollment and eligibility determination systems.
 - (B) An assessment of risks, including an analysis of other states in automating and contracting out centralized eligibility determinations and the state's history and experience in other procurement efforts.
 - (C) An analysis of the state and local staffing and costs, and any program impacts resulting from any new statewide eligibility and enrollment system.
- (5) Project timelines, including key milestones.

(6) Recommendations of other health or social services programs that should be added to the process, if any.

(7) Description of any federal waivers and any state statutory changes that may be needed for full, phased-in implementation of the process.

(8) Project budget, including necessary budget proposal documents.

(9) Competitive procurement strategy and process.

(10) Transition plan for phasing in any new statewide eligibility and enrollment system.

(11) Strategy to inform the public and beneficiaries of any new statewide eligibility and enrollment system.

(12) Description of stakeholder steering committee involvement in the development of the comprehensive plan.

(c) The State Department of Health Care Services and the State Department of Social Services may utilize a contractor to develop and complete the comprehensive plan as specified.

(d) The State Department of Health Care Services and the State Department of Social Services shall submit the comprehensive plan to the fiscal and applicable policy committees of the Legislature, including the Joint Legislative Budget Committee, at least 45 days prior to a request for an appropriation.

(e) Contingent upon legislative approval of the comprehensive plan and an appropriation for this purpose, the State Department of Health Care Services and the State Department of Social Services may proceed with procurement activities consistent with the approved plan, including any request for proposals being issued and the utilization of a performance-based contract model, or subsequent process as identified in the comprehensive plan, to implement a statewide eligibility and enrollment determination process. Any contractor, county consortia, nonprofit providers, or any partnerships shall be authorized to compete for any aspect of this process. At a minimum, an entity shall be required to comply with all of the following requirements:

(1) Make accurate determinations and redeterminations of eligibility for CalWORKs, Medi-Cal, and SNAP.

(2) Coordinate with community-based organizations to assist individuals with the application process, in various languages, as specified by the State Department of Health Care Services and the

State Department of Social Services and as required in state and federal law and regulation.

(3) Represent the departments as applicable in fair hearings arising out of eligibility determinations and redeterminations.

(4) Assist applicants and recipients requiring assistance for program eligibility, enrollment, and redeterminations for enrollment.

(5) Applicable state and federal technology standards, inclusive of the alignment with Medicaid Information Technology Architecture requirements or applicable successor framework promulgated by the federal Centers for Medicare and Medicaid Services.

(6) Applicable privacy and security requirements, including, but not limited to, the protection of personal health information, as defined by applicable federal and state regulations.

(7) Rules and regulations governing the federal Health Insurance Portability and Accountability Act (HIPAA; Public Law 104-191).

(8) State and federal disability accessibility laws and standards, including Section 508 of the federal Rehabilitation Act as referenced in Section 11135 of the Government Code and the Information Organization, Usability, Currency, and Accessibility Working Group accessibility recommendations from the Office of the Chief Information Officer.

(f) Contingent on the Legislature's approval of the comprehensive plan and an appropriation for this purpose, pursuant to subdivision (e), the State Department of Health Care Services and the State Department of Social Services shall have the authority necessary to implement this part, including the authority to enter into contract amendments, change orders, or change requests and project or system development notices as consistent with the approved plan.

(g) The State Department of Health Care Services and the State Department of Social Services may contract with another state department or agency for project management services of any statewide enrollment process developed or enhanced as a result of the comprehensive plan developed in accordance with subdivision (b).

(h) (1) The State Department of Health Care Services and the State Department of Social Services shall convene a stakeholder steering committee for consultation in the development of the

statewide eligibility and enrollment determination process and comprehensive plan. As appropriate, subcommittees may be formed to facilitate work product development and outcomes. The stakeholder steering committee shall include representatives of advocacy organizations representing clients and consumers, county employees, county human services agencies, the California State Association of Counties, and legislative staff. Other representatives may be included as deemed appropriate by the State Department of Health Care Services and the State Department of Social Services. At a minimum, the stakeholder steering committee shall advise on all of the following matters:

(A) Program eligibility and enrollment simplifications without increasing program costs.

(B) Revisions to program applications and procedures for making eligibility and enrollment determinations, including notices of action and other forms processing.

(C) Development of new processes and procedures for making eligibility determinations and for enrolling eligible individuals.

(D) Beneficiary needs to ensure access to services and transition to any new system.

(E) Development of a public outreach campaign to inform people of any new system.

(F) Other issues as applicable for the development of the implementation plan and any ongoing efforts.

(2) The stakeholder steering committee shall remain in place to advise on any issues regarding the implementation of any new or revised statewide eligibility and enrollment determination process for the CalWORKs program, the Medi-Cal program, and SNAP.

(i) This part shall be implemented only if, and to the extent that, federal financial participation is available for this purpose.

(j) The State Department of Health Care Services and the State Department of Social Services may seek a federal waiver or waivers and state plan amendments to the extent necessary to implement the eligibility determination process as specified in the approved implementation plan.

10202. Notwithstanding any other law, this part is not to be construed to change, or in any manner modify, eligibility for the CalWORKs program, the Medi-Cal program, or Supplemental Nutrition Assistance Program (SNAP).

10203. Contingent on the Legislature's approval of the comprehensive plan required pursuant to subdivision (b) of Section 10200 and an appropriation for this purpose, pursuant to subdivision (e) of Section 10200, and notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the State Department of Health Care Services and the State Department of Social Services may implement this part by means of all-county letters or similar instructions without taking regulatory action. As an alternative to, or in addition to, that implementation, the departments shall have emergency regulation authority, as needed, to implement the system authorized under this section.

10205. Contingent on the Legislature's approval of the comprehensive plan required pursuant to subdivision (b) of Section 10200 and an appropriation for this purpose, pursuant to subdivision (e) of Section 10200, and upon implementation of the process provided for in this part, and to the extent necessary to achieve the purposes of this part, references in this division to the county or the county welfare department for purposes of the administration of enrollment and eligibility determination for the CalWORKs program, Medi-Cal program, or SNAP shall mean the State Department of Health Care Services or the State Department of Social Services, as applicable.

SEC. 2. This act addresses the fiscal emergency declared by the Governor by proclamation on July 1, 2009, pursuant to subdivision (f) of Section 10 of Article IV of the California Constitution.

Approved _____, 2009

Governor